

6123. Adulteration and misbranding of apricot preserves and peach preserves. U. S. v. 211 Cases of Apricot Preserves and 194 Cases of Peach Preserves. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12860. Sample Nos. 61223-F, 61224-F.)

LIBEL FILED: July 27, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 20, 1944, by the Cecil Brown Fig Co., from Pearland, Tex.

PRODUCT: 211 cases, each containing 24 1-pound jars of apricot preserves, and 194 cases, each containing 24 1-pound jars of peach preserves at New Orleans, La.

LABEL, IN PART: (Jars) "Tak-A-Taste Brand * * * Pure Apricot [or "Peach"] Preserves."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit, had been in part omitted from the articles; and, Section 402 (b) (2), products deficient in fruit had been substituted in whole or in part for apricot and peach preserves.

Misbranding, Section 403 (a), the names "Apricot Preserves" and "Peach Preserves" were false and misleading; Section 403 (b), the articles were offered for sale under the names of other foods; and, Section 403 (g) (1), they purported to be and were represented as fruit preserves (apricot or peach), foods for which definitions and standards of identity have been prescribed by regulations, but they failed to conform to these definitions and standards since they were made from mixtures composed of less than 45 parts by weight of the fruit (apricot or peach) ingredient to each 55 parts by weight of one of the saccharine ingredients.

DISPOSITION: September 18, 1944. The Cecil Brown Fig Co., Friendswood, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond, or upon deposit of cash collateral or certified check, for relabeling under the supervision of the Federal Security Agency.

6124. Adulteration and misbranding of jellies and preserves. U. S. v. 32 $\frac{1}{2}$ Cases of Jellies and 21 4/12 Cases of Preserves and Jam. Default decree of condemnation. Products ordered delivered to charitable organizations. (F. D. C. No. 12211. Sample Nos. 54167-F, 54168-F.)

LIBEL FILED: April 26, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about December 13, 1943, by the American Conserving Co., and on or about February 24, 1944, by the Crown Products Corporation, from Los Angeles, Calif.

PRODUCT: 32 $\frac{1}{2}$ cases, each full case containing 12 jars, of raspberry jelly or raspberry-apple jelly, and 21 $\frac{1}{2}$ cases, each full case containing 12 jars, of raspberry preserves, at Phoenix, Ariz.

LABEL, IN PART: (Jars) "Lady's Choice Net Weight 7 Ounces Avd. Home Made Style Pure Raspberry Jelly [or "Raspberry-Apple Jelly," or "Raspberry Preserves"] Packed by Crown Products Corp.," and (on some cases) "Raspberry Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), substances containing phosphoric acid or acid phosphate, and deficient in fruit or fruit juice, had been substituted in whole or in part for raspberry jelly, raspberry-apple jelly, or raspberry jam and preserves.

Misbranding, Section 403 (a), the names, "Pure Raspberry Jelly," "Raspberry-Apple Jelly," "Raspberry Jam," and "Raspberry Preserves," borne on the labels, were false and misleading; and the statement "Net Weight 7 Ounces Avd" on the labels was false and misleading as applied to the products which weighed 2 pounds; and, Section 403 (g) (1), the products purported to be and were represented as foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to those definitions and standards since they contained less than 45 parts by weight of the applicable fruit or fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definitions and standards; and they contained phosphoric acid or acid phosphate, which are not optional ingredients of the products.

DISPOSITION: June 17, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable organizations.